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09/854,979	05/14/2001	Scott LeKuch	YOR920000700US3	9085

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Harry F. Smith, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
10th Floor  
One Landmark Square  
Stamford, CT 06901-2682

EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 05/16/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/854,979

Applicant(s)

LEKUCH ET AL

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

All the Serial No. of the related applications cited on page 1 lines 4-15 should be provided so that they can be considered .

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Moran et al (U.S. Patent No. 6,525,749).

As to claim 21, Moran discloses a storage medium (e.g., 24-30) having computer readable program instructions embodied therein for selectively interpreting in a computing system including a handwriting input device (10) having an electronic pen input device (42) and a computing device (16). Moran teaches the storage medium including program instructions for detecting signal emissions having a first characteristic from a first tip of the electronic pen input device (see column 8, lines 14-

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30) . Moran teaches program instructions for selectively interpreting the detected signal emissions as handwriting (see column 8, line 58 through column 9, line 4).

While this is unlike applicant's disclosed device, this read on the broad claimed language since the limitations "second characteristic" and "control information" recited after the term "or" are not further considered.

As to claim 19, this claim is analyzed similar to claim 21 above since the only different between claim 19 and 21 only in that claim 21 is apparatus whereas claim 19 is method.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1-9, 12-13, 16, 20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Fleck et al (U.S. Patent No. 6,556,190).

As to claim 1, Moran discloses a computing device as recited in claim 1 with exception of describing the use a second tip that emits a signal having a second characteristic. For example, Moran teaches a computer system including a handwriting input device (10) and a computing device (16), the handwriting input device including an electronic pen input device (42) having a first tip (i.e. pressure tip of a stylus 42) that emits a signal having a first characteristic (e.g., characteristic of touch or draw input symbol); see column 8, lines 46-51. Moran teaches a detector (14<sup>12</sup>) for detecting the characteristic of the emitted signal 9see column 8, lines 12-13. Moran teaches a controller (16) interface with the handwriting input device (10) for selectively interpreting the emitted signal as handwriting (see column 8, lines 14-30 and line 58 through column 9, line 4. Fleck teaches a second tip (27) that emits a signal having a second characteristic (i.e. eraser). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added a second tip as taught by Fleck to the rear end of the Moran's pen input device so that a user does not have to open a menu and select erasing function, thereby saving the processing of input the information on the screen (i.e., the process of writing/ erasing the information).

. As to claim 22, this claim is broader than claim 1 above since it does not recite the limitation "handwriting". Thus, it is analyzed as previously discussed with respect to claim 1 above.

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As to claims 2 and 23-24, Fleck clearly teaches the characteristic of the emitted signal depending on the tip selected by a user (i.e., tip 11 for writing function and tip 27 for erasing function).

As to claim 3, Fleck teaches inking tip (11) for writing and second tip (27) including a non-inking tip (i.e., eraser).

As to claims 4 and 20, Fleck clearly teaches the inking tip (11) and the non-inking tip (27) positioned opposite each other; see Figure 1.

As to claim 5, these claims are met by Fleck. For example, a user can manipulate the pointer such as reverse position of the pointer to perform the eraser (11). This reads on claim 5.

As to claims 6 and 9, both Moran and Fleck teaches detecting inking pen stroke and displaying on the displayed device (i.e. writing information).

As to claims 7-8, Fleck clear teaches non-inking tip pen (eraser 27) being used for display control such as object manipulation as broad claims. The claimed "object manipulation" is so broad that it reads on the eraser (27) erases the object displayed on the screen.

As to claims 12-13, Fleck teaches the pen input device emitting infrared (IR) signals; see column 7, line 55 through column 8, line 14.

As to claims 16 and 25, Moran clearly teaches a local memory (24) for storing data therein.

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7. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Fleck as applied to claim 1 above, and further in view of Skoog et al (U.S. Patent No. 6,441,810).

As to claims 10-11, note the discussion of Moran and Fleck, Moran and Fleck do not mention pen input device emitting radio frequency. Skoong teaches the use of modulating radio frequency in stylus (see column 2, lines 54-56 and column 7, lines 62-67). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used radio frequency in stylus of Skoong to the pen input device of Moran as modified by Fleck so as to provide accurately delivering telemetry data from a stylus to a host computer (see column 1, lines 21-45 of Skoong).

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Fleck as applied to claim 1 above, and further in view of Kobayashi et al (U.S. Patent No. 6,415,240).

As to claims 14-15, note the discussion of Moran and Fleck, Moran and Fleck do not mention pen input device emitting ultrasonic signals. Kobayashi teaches the use of modulating ultrasonic signals in stylus (see Figure 7 and see column 9, lines 3-34). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used ultrasonic signals in stylus of Kobayashi to the pen input device of Moran as modified by Fleck so as to provide accurately the position of the oscillation detecting device (see column 3, lines 49-56 of Kobayashi).

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9. Claims 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Fleck as applied to claim 1 above, and further in view of Kodama (U.S. Patent No. 6,417,844).

As to claims 17 and 26, note the discussion of Moran and Fleck, Moran and Fleck do not mention a flash memory. Kodama teaches the use of a flash memory 33 (see Figure 1 and see column 15, lines 45-57). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the flash memory as taught by Kodama to the input device of Moran as modified by Fleck so that a data storage process is automatically performed without any operation by the user and without the user's awareness of the process (see column 1, lines 58-67 of Kodama).

10. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moran in view of Fleck as applied to claim 1 above, and further in view of Kato et al (U.S. Patent No. 5,963,199).

As to claims 18, note the discussion of Moran and Fleck, Moran and Fleck do not mention detector detecting the emitted signal through at least one sheet of paper. Kodama teaches the use of a paper sheet (40) for drawing the image by an electronic pen (31) (see column 6, lines 2-5 ). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the sheet of paper as taught by Kato to the input device of Moran as modified by Fleck because using a sheet of paper is relatively cheaper than any kind of touch detector such as LCD, RF detector.



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### Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603.

If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Steven Saras can be reached at 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks


Washington, D.C. 20231

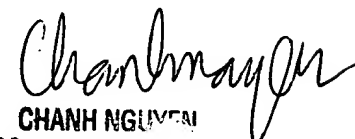
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
C. Nguyen  
April 30, 2003

  
CHANH NGUYEN  
PRIMARY EXAMINER